

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JET SUPPORT SERVICES, INC.,)	
)	
Plaintiff,)	Case No.: 1:21-cv-5923
)	
v.)	
)	Removed from Circuit Court of Cook County
FLOW LINE TRANSPORTATION, LLC)	Case No.: 2021 L 009123
)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

NOW COMES the Defendant, FLOW LINE TRANSPORTATION, LLC (hereinafter referred to as “Flow Line” or “Removing Defendant”), by and through its attorneys, Daniel R. Formeller and Jennifer L. Smith of Tressler LLP, and pursuant to 28 U.S.C. §§1332, 1441, and §1446, remove Case No. 2021 L 009123, entitled *Jet Support Services, Inc. v. Flow Line Transportation, LLC*, now pending in the Circuit Court of Cook County, Illinois, County Department, Law Division, to the United States District Court for the Northern District of Illinois, Eastern Division, and in support thereof states as follows:

BACKGROUND

1. This cause of action arises out of an alleged contractual dispute relating to maintenance services for a Sikorsky helicopter. (*See* Ex. 1)
2. Specifically, Plaintiff’s Complaint alleges that Flow Line is in breach of the aforementioned contract, owing Plaintiff an alleged sum of \$220,549.83 plus attorneys’ fees. *Id.*

3. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. This court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 (a)(1) because the procedural requirements for removal are satisfied, and this is a civil action between citizens of different states in which the amount in controversy exceeds \$75,000, exclusive of interest and costs.

THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

4. Pursuant to 28 U.S.C. § 1446, “[t]he Notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading”

5. The first date upon which Flow Line received a copy of the Complaint in the Cook County action was October 7, 2021. (Ex. 1)

6. Pursuant to 28 U.S.C. § 1446(a), Exhibit 1 consists of all “process, pleadings, and orders” served on Flow Line in the Cook County action.

7. Flow Line is the only Defendant for purposes of consent to removal. 28 U.S.C. § 446(b).

8. There have been no substantive proceedings in the Cook County action since the filing of the Complaint.

9. The United States District Court for the Northern District of Illinois, Eastern Division, embraces the locality in which the state court action is now pending, and thus this Court is a proper forum for this action pursuant to 28 U.S.C. §§ 93(a)(1) and 1441(a).

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal, which reflects the style of the case exactly as it was styled in state court, is being served on Plaintiff's counsel and a copy is being filed with the Clerk of the Circuit Court, Cook County, Illinois.

11. The appropriate filing fee has been tendered to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division.

12. This Notice of Removal is being signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. A copy of the civil cover sheet is attached hereto as Ex. 2.

13. If any question arises regarding the propriety of the removal of this action, the removing defendant respectfully requests the opportunity to present a brief and an oral argument in support of the position that this case is removable.

REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332 AND 1441

14. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because this is a civil action between citizens of different states in which the amount in controversy exceeds \$75,000, exclusive of interest and costs.

15. For diversity jurisdiction purposes, a corporation is deemed to be citizen of the state in which it is incorporated and the state where it has its principal place of business. 28 U.S.C. 1332(c)(1); *CCC Information Svcs., Inc. v. American Salvage Pool Ass'n.*, 230 F.3d 342, 346 (7th Cir. 2000).

16. Plaintiff is a Delaware corporation with its principal place of business in Chicago, Cook County, Illinois.

17. For diversity jurisdiction purposes, a limited liability company is deemed to be a citizen of the state in which each of its members resides. *Carden v. Arkoma Associates*, 494 U.S. 185, 195 (1990).

18. Flow Line has one member, Phoenix Petro Services, LLC. Phoenix Petro Services, LLC is organized under the laws of Delaware and has its principal place of business in Dallas, Texas. Phoenix Petro Services, LLC has one member, Brad E. Cox, who resides in Dallas, Texas.

19. It is apparent from the face of the Complaint that the amount in controversy in this case substantially exceeds \$75,000, exclusive of interest and costs. *Back Doctors Ltd v. Metro. Prop. & Cas. Ins. Co.*, 637 F.3d 827, 830 (7th Cir. 2011) ("unless recovery of an amount exceeding the jurisdictional minimum is legally impossible, the case belongs in federal court"). Plaintiff alleges that it is entitled to recover \$220,549.83 from Flow Line. Plaintiff also alleges that it is entitled to attorneys' fees.

20. The allegations in this Notice of Removal are true and correct and this case is within the jurisdiction of the United States District Court for the Northern District of Illinois.

WHEREFORE, Flow Line respectfully requests that Case No. 2021 L 009123, entitled *Jet Support Services, Inc. v. Flow Line Transportation, LLC*, now pending in the Circuit Court of Cook County, be removed to the United States District Court for the Northern District of Illinois, Eastern Division.

Dated this 4th day of November, 2021.

Respectfully submitted,

Flow Line Transportation, LLC

BY: /s/ Daniel R. Formeller

One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2021, a copy of the foregoing NOTICE OF REMOVAL was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System. In addition, this filing will be e-mailed to Plaintiff's counsel.

TRESSLER LLP

By: /s/ Daniel R. Formeller

Attorney for Defendant,

Flow Line Transportation, LLC